

Mayor Patrick L. McCrory *Mayor Pro Tem Susan Burgess*
Michael D. Barnes *Nancy Carter*
Warren Cooksey *Andy Dulin*
Anthony Foxx *Patsy Kinsey*
John W. Lassiter *James E. Mitchell, Jr.*
Edwin B. Peacock III *Warren Turner*

CITY COUNCIL ZONING AGENDA ***Monday, September 21, 2009***

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions
Meeting Chamber

DINNER MEETING

- ***Assisted Housing Locational and the Rezoning Process***
– Tammie Keplinger
- ***Rezoning Petition 2008-032 – Tammie Keplinger***
- ***Rezoning process during Election Year – Tammie Keplinger***

ALL REZONING PETITIONS MAY BE VIEWED ON THE WEB AT
www.rezoning.org

REZONING ACRONYMS

Zoning Districts

- **B-1** – neighborhood business district
- **B-2** – general business district
- **B-1SCD** – business shopping center district
- **BD** – distributive business district
- **BP** – business park district
- **CC** – commercial center district
- **I-1** – light industrial district
- **I-2** – general industrial district
- **INST** – institutional district
- **MUDD** – mixed use development district
- **MX-1** – mixed use district
- **MX-2** – mixed use district
- **MX-3** – mixed use district
- **NS** – neighborhood services district
- **O-1** – office district
- **O-2** – office district
- **O-3** – office district
- **R-3** – single-family residential – up to 3 dwelling units per acre (dua)
- **R-4** – single-family residential – up to 4 dua
- **R-5** – single-family residential – up to 5 dua
- **R-6** – single-family residential – up to 6 dua
- **R-8** – single-family residential – up to 8 dua
- **R-8MF** – multi-family residential – up to 8 dua
- **R-12MF** – multi-family residential – up to 12 dua
- **R-17MF** – multi-family residential – up to 17 dua
- **R-22MF** – multi-family residential – up to 22 dua
- **R-43MF** – multi-family residential – up to 43 dua
- **R-MH** – residential manufactured housing
- **RE-1** – research district
- **RE-2** – research district
- **RE-3** – research district
- **TOD** – transit oriented development
- **TOD-E** – transit oriented development – employment
- **TOD-EO** – transit oriented development – employment - optional
- **TOD-M** – transit oriented development – mixed use
- **TOD-MO** – transit oriented development – mixed use - optional
- **TOD-R** – transit oriented development – residential
- **TOD-RO** – transit oriented development – residential - optional
- **U-I** – urban industrial district
- **UMUD** – uptown mixed use district
- **UMUD-O** – uptown mixed use district - optional
- **UR-1** – urban residential
- **UR-2** – urban residential
- **UR-3** – urban residential
- **UR-C** – urban residential - commercial

Overlay Districts

- **CR/LWW** – Catawba River / Lake Wylie watershed
- **CR/LWWCA** – Catawba River / Lake Wylie watershed – critical area
- **CR/LWWPA** – Catawba River / Lake Wylie watershed – protected area
- **HD-O** – historic district overlay
- **HW** – hazardous waste overlay
- **LNW** – Lake Norman watershed
- **LNWCA** – Lake Norman watershed – critical area
- **LNWPA** – Lake Norman watershed – protected area
- **LLWW** – Lower Lake Wylie watershed
- **LLWWCA** – Lower Lake Wylie watershed – critical area
- **LLWWPA** – Lower Lake Wylie watershed – protected area
- **MILW** – Mountain Island Lake watershed
- **MILWCA** – Mountain Island Lake watershed – critical area
- **MILWPA** – Mountain Island Lake watershed – protected area
- **MH-** – manufactured home overlay
- **PED** – pedestrian overlay district
- **PED-O** – pedestrian overlay district – optional
- **TS** – transit supportive overlay district

Miscellaneous Acronyms

- **CD** – conditional
- **SPA** – site plan amendment

HISTORIC LANDMARKS

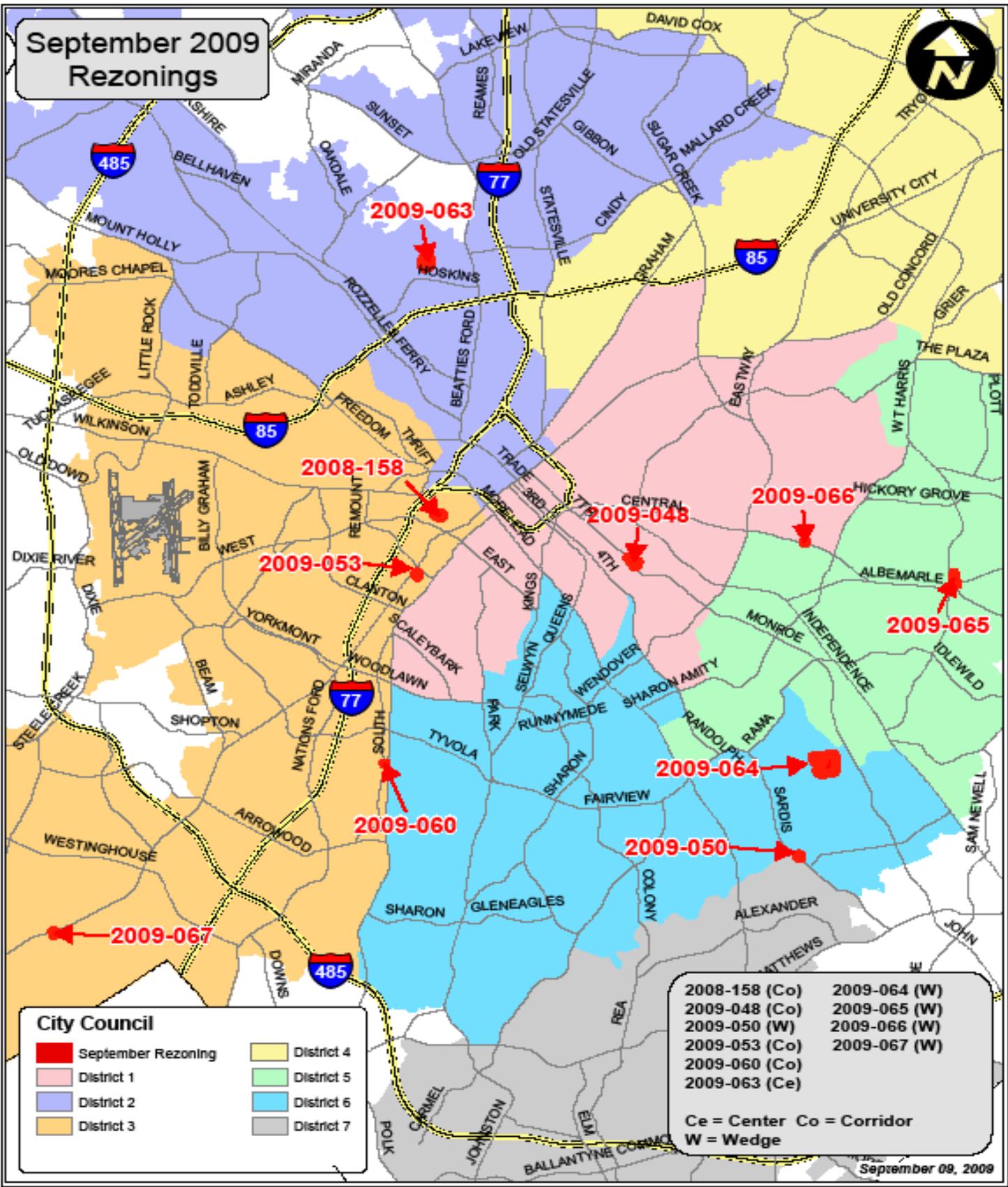
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| | <p>1. Decision on an ordinance repealing the designation of the “Major Alexander James House” as a Historic Landmark.</p> <p>Attachment 1</p> |
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DECISIONS

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| <p>Deferral (one-month)</p> <p>Protests Sufficient</p> | <p>2. Petition No. 2008-032 (Decision) by Myers Park Homeowners Association for a change in zoning of approximately 38.79 acres located on both sides of Selwyn Avenue and Roswell Avenue from Lorene Avenue from R-22MF to R-8MF.</p> <p>The Zoning Committee voted unanimously to recommend a DEFERRAL of this petition to their September 30, 2009 meeting.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 2</p> |
| <p>Deferral (two-month)</p> | <p>3. Petition No. 2009-039 (Decision) by Charlotte Area Transit System for a change in zoning of approximately 3.65 acres located southeast of North Alexander Street from O-2 to B-2(CD).</p> <p>The Zoning Committee voted unanimously to recommend a DEFERRAL of this petition to their October 28, 2009 meeting.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 3</p> |
| | <p>4. Petition No. 2009-047 (decision) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.06 acres located along West Summit Avenue across from Winnifred Street from I-1 to TOD-M.</p> <p>This petition is found to be consistent with the <i>South End Transit Station Area Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 4</p> |

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| | <p>5. Petition No. 2009-049 (decision) by YMCA of Charlotte and Mecklenburg for a change in zoning of approximately 30.43 acres located at the intersection of Quail Hollow Road and Sharon Road from INST(CD) to INST(CD)SPA.</p> <p>This petition is found to be consistent with the <i>South District Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The petitioner has agreed to comply with the Post Construction Controls Ordinance. 2. A note has been added to include a previous commitment that the existing gravel dirt path which connects to the sidewalk along Sharon Hills Road shall be improved to a 6-foot wide concrete sidewalk. This improvement will be required at the time of the berm construction along Sharon Hills Road. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 5</p> |
| | <p>6. Petition No. 2009-054 (decision) by TMV Partners on Sharon Amity Road, LLC for a change in zoning of approximately 0.877 acres located along North Sharon Amity Road across from Colwick Road from O-2 to MUDD-O.</p> <p>This petition is found to be <u>inconsistent</u> with the <i>South District Plan</i> but reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. The site plan has been revised to show consistency between the acreages identified under <i>Site Data</i> and <i>General Provisions</i>. 2. A new seven-foot wide sidewalk connecting the building to the sidewalk along North Sharon Amity has been added to the site plan. 3. The existing CATS bus stop on North Sharon Amity Road has been added to the site plan. 4. CDOT comments have been addressed as follows: <ul style="list-style-type: none"> • The petitioner has agreed to seek a right-of-way encroachment agreement for the proposed outdoor dining as it will fall within the proposed right-of-way. • The petitioner will be required to shorten or lengthen the existing median in North Sharon Amity Road (during the driveway permitting process) if deemed necessary. • The petitioner has agreed to convey right-of-way in fee simple title to meet the requirement that North Sharon Amity Road have a minimum 100-foot right-of-way measured from centerline. • The petitioner has agreed to add a note to the site plan stating that the outdoor patio area is located within the future right-of-way of North Sharon Amity Road may be subject to removal at a future time. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 6</p> |
| | <p>7. Petition No. 2009-055 (decision) by Chris Ingram for a change in zoning of approximately 0.072 acres located along North Davidson Street between East 35th Street and East 36th Street from I-1(CD) to MUDD-O.</p> <p>This petition is found to be consistent with the <i>North Charlotte Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 7</p> |

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| | <p>8. Petition No. 2009-056 (decision) by AAA of the Carolinas c/o the Carolina Group for a change in zoning of approximately 2.89 acres at the intersection of South Tryon Street and Steelecroft Parkway from O-1(CD) and CC to B-1(CD) and O-1(CD)SPA.</p> <p>The office portion of this petition is found to be consistent with the <i>Lower Steele Creek Mixed-use Development Center Special Project Plan (1992)</i>, while the commercial portion of this petition is found to be <u>inconsistent</u> with the <i>Lower Steele Creek Mixed-Use Development Center Special Project Plan (1992)</i>, but to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition, with the following modifications:</p> <ol style="list-style-type: none"> 1. The notes have been changed to increase the size of detached signs from 32 square feet to 50 square feet. 2. Additional details have been added to the architectural notes regarding eliminating blank walls. An illustration of a low stacked stone wall in the landscaped setback along South Tryon Street has been included. <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 8</p> |
| | <p>9. Petition No. 2009-057 (decision) by P&L Coliseum, LP for a change in zoning of approximately 11.69 acres located on the west side of Tyvola Road south of South Stream Boulevard from MUDD-O to MUDD-O SPA.</p> <p>This petition is found to be consistent with the <i>Westside Strategic Plan</i> and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee. The Committee voted unanimously to recommend APPROVAL of this petition.</p> <p>Staff agrees with the recommendation of the Zoning Committee.</p> <p>Attachment 9</p> |
| <p>Deferral (one-month)</p> | <p>10. Petition No. 2009-058 (decision) by Therapeutic Services Group for a change in zoning of approximately 4.31 acres located on Old Concord Road between West Rocky River Road and Torrence Grove Church Road from R-3 to INST(CD).</p> <p>The Zoning Committee voted 4-2 to recommend a DEFERRAL of this petition to their September 30, 2009 meeting.</p> <p>Staff disagrees with the recommendation of the Zoning Committee. Staff believes this petition is ready for a recommendation of conditional approval.</p> <p>Attachment 10</p> |



**September 2009
Rezoning**



City Council

- September Rezoning
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7

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|---------------|--------------|
| 2008-158 (Co) | 2009-064 (W) |
| 2009-048 (Co) | 2009-065 (W) |
| 2009-050 (W) | 2009-066 (W) |
| 2009-053 (Co) | 2009-067 (W) |
| 2009-060 (Co) | |
| 2009-063 (Ce) | |

Ce = Center Co = Corridor
W = Wedge

September 09, 2009

HEARINGS

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| Protest Sufficient | <p>11. Petition No. 2008-158 (hearing) Greater Galilee Baptist Church for a change in zoning of approximately 2.76 acres located between South Mint Street and Wilmore Drive adjacent to Spruce Street and West Park Avenue from R-5 to MUDD-O.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 11</p> |
| | <p>12. Petition No. 2009-048 (hearing) by Winter Elizabeth, LLC for a change in zoning of approximately 6.87 acres located between East 7th Street and Weddington Avenue from R-22MF to MUDD(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 12</p> |
| Deferral (one-month) | <p>13. Petition No. 2009-050 (hearing) by Mt. Tabor Community Development Corporation for a change in zoning of approximately 1.89 acres located on Sardis Road across from Wilby Drive from R-3 to INST(CD).</p> <p>The petitioner is requesting a one-month deferral of this petition.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 13</p> |
| | <p>14. Petition No. 2009-063 (hearing) by Yarbrough Realty and Management Services, Inc. for a change in zoning of approximately 14.17 acres located on the east side of Northpointe Industrial Boulevard from I-1 and I-2 to I-2(CD).</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 14</p> |
| | <p>15. Petition No. 2009-064 (hearing) by American Tower Corporation for a change in zoning of approximately 46.0 acres located on the west side of Thermal Road across from Welford Road from INST(CD) to INST(CD)SPA.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issues.</p> <p>Attachment 15</p> |
| | <p>16. Petition No. 2009-066 (hearing) by Rosalia and Jorge Benito for a change in zoning of approximately 0.50 acres located on the north side of Central Avenue between Landsdale Drive and Rosehaven Drive from R-4 to NS.</p> <p>Staff recommends approval of this petition upon resolution of the outstanding issue.</p> <p>Attachment 16</p> |

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| <p>Deferral (one-month)</p> | <p>17. Petition No. 2009-067 (hearing) by Stacy Mitchell and Janet McMillen for a change in zoning of approximately 0.85 acres located on the north side of South Tryon Street between Moss Road and Lions Mane Street from R-3 to O-1(CD).</p> <p>The petitioner is requesting a one-month deferral of this petition to allow time to hold a community meeting.</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 17</p> |
| | <p>18. Petition No. 2009-053 (hearing) by Charlotte Housing Authority for a change in zoning of approximately 1.84 acres located along Youngblood Street between Remount Road and Fairwood Avenue from I-2 to TOD-M(CD).</p> <p>Staff cannot support this petition in its current form.</p> <p>Attachment 18</p> |
| | <p>19. Petition No. 2009-060 (hearing) by Charlotte-Mecklenburg Planning Commission for a change in zoning of approximately 0.10 acres located on the west side of Old Pineville Road south of Bourbon Street from I-2 to TOD-M.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 19</p> |
| | <p>20. Petition No. 2009-065 (hearing) by Charlotte Area Transit System for a change in zoning of approximately 5.13 acres located on the north side of Albemarle Road near the intersection of Albemarle Road and East W.T. Harris Boulevard from B-2 and R-17MF to O-2.</p> <p>Staff recommends approval of this petition.</p> <p>Attachment 20</p> |